

**JOINT TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
& CHILD ADVOCATE JEANNE MILSTEIN
BEFORE THE EDUCATION COMMITTEE**

FEBRUARY 23, 2011

We appreciate the opportunity to testify in support of Raised Bill No. 6326, An Act Concerning The Response of School Districts and The Department of Children and Families To Reports of Child Abuse and Neglect.

We strongly support H.B. No. 6326. In July 2010, the Office of the Child Advocate and the Office of the Attorney General released a report flowing from a lengthy joint investigation concerning the manner in which allegations that school employees have abused or neglected children are handled. When such allegations are made, it is critical that they be properly addressed in order to ensure the safety of all of Connecticut's children. Our investigation carefully examined the interactions between the Department of Children and Families (DCF), the State Department of Education (SDE) and local school districts under the existing legal framework.

Our report has identified a number of areas where statutory changes can result in significant improvements in the manner in which children are protected. H.B. 6326 does an excellent job in achieving these goals.

The existing legal framework depends on proper communication between DCF, SDE and local school districts. Much of this is driven by information flowing through the DCF Hotline, both upon receipt of reports of alleged abuse or neglect and later in the process in those instances where DCF substantiates abuse or neglect and the DCF Commissioner determines that the person against whom abuse or neglect is substantiated poses a risk to the health safety or well-being of children and therefore should be listed in DCF's confidential Child Abuse & Neglect Registry. HB6326 would provide for improvements concerning employment screening, mandated reporting, professional certification and accountability.

Employment Screening: Only a tiny handful of school districts and private schools require prospective employees to undergo a DCF background check prior to hiring. School districts in Connecticut do not even have access to the DCF Child Abuse & Neglect Registry unless they obtain waivers from prospective employees – which they rarely do. Further, SDE does not routinely conduct a DCF background check of teachers, administrators, and coaches prior to issuing or renewing certifications. As a result, Connecticut's current laws, policies, and practices are not adequate to ensure that individuals who have engaged in misconduct do not become employed in school districts or are promptly removed when such misconduct is first identified. H.B. 6326 would ensure both appropriate access to information in the DCF Child Abuse & Neglect Registry and that the DCF background checks in fact be done so as to screen out unsuitable people from working with children.

Mandated Reporting: The extensive legal requirements regarding mandated reports of suspicion of abuse and/or neglect are not always adhered to. All school districts do not regularly review and update mandated reporting policies, resulting in policies that are not

consistent with current legal requirements. Some school districts have practices which could interfere with mandated reporting. Further, DCF does not have a systematic method in place to assist with enforcement of mandated reporting requirements. There is no system to ensure that all school district employees who are mandatory reporters of child abuse and neglect are adequately trained with respect to their obligations as mandated reporters. HB 6326 requires that all school employees receive mandated reporter training upon employment and regular refresher training thereafter, and DCF and SDE be required to jointly publish a model mandated reporting policy for school districts. Such model policy would at a minimum specify: (1) who is a mandated reporter; (2) what must be reported; (3) the required time frame for both verbal and written mandated reports; and (4) that retaliation against mandated reporters for filing reports is prohibited. Such model policy shall be revised as frequently as necessary to incorporate changes to applicable law.

Professional Certification: Most personnel who work in schools are required to have professional certifications from SDE. Accordingly, it is important that SDE have information concerning child abuse or neglect allegations or substantiations in order to be able to properly review such information to determine whether further action is needed concerning such professional certifications. Under existing law, however, DCF is required to provide notice of mandated reports, and later of substantiations, to the school districts, with the school districts obligated to report to SDE. It is clear from our investigation that this communication system does not work effectively resulting in SDE not being provided with adequate information. HB 6326 charges DCF with the responsibility to directly notify SDE of reports of alleged abuse or neglect concerning school personnel. This would give SDE timely and complete information which would enable SDE to take further action, where appropriate.

Accountability: Our report also points out that local school districts do not always adequately hold school employees accountable for misconduct. HB 6326 has several provisions which encourage such accountability. First, school districts are required to provide information to DCF when requested for DCF investigations. Further, the bill requires school districts to maintain documentation of allegations of abuse or neglect in a central location, and to make such information available to SDE. Finally, the bill requires school districts to conduct their own human resources investigations in order to ensure that any professional misconduct is properly addressed.

In summary, HB 6326 incorporates the extensive recommendations made in our joint report to significantly improve the protection of children. HB 6326 requires background checks of the Child Abuse and Neglect registry for prospective school employees; improves mandated reporter training and practice for school employees; requires coordinated notice among DCF, SDE and school districts concerning allegations of abuse or neglect of children in schools, and promotes greater accountability. In closing, we urge the Committee to report favorably on HB 6326, as it is a vitally important step toward protecting Connecticut's children from abuse and neglect in their schools.